

31. (new) The system of claim 28, wherein the data acquisition device is selected from the group consisting of an RFI tag reader, a magnetic medium reader, a bar code reader, cellular telephone, and a digital computer; and

wherein the data acquisition device is configured for communicating with the data collection center via a communication link.

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cont'd 32. (new) The system of claim 28, wherein the data collection center periodically receives purchasing data from the data acquisition device in response to the data collection center polling the data acquisition device. *JB*

33. (new) The system of claim 28, wherein the data collection center periodically receives purchasing data from the data acquisition device in response to the data acquisition device establishing communication with the data collection center, without interaction by the consumer.

REMARKS

After entry of the foregoing amendments, claims 22 - 33 are pending in this application. Claims 1 - 21 have been canceled. Reexamination and reconsideration of the application, as amended, is requested. The new claims presented are directed towards embodiments of the present invention that were not previously specifically claimed. As the original claims were cancelled without prejudice, the applicant does not intend the new claims to be viewed as amendments to the original claims and, therefore, does not intend that any subject matter recited in the original claims, or any equivalent thereto, has been forfeited.

The examiner rejected independent claims 1 and 13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,129,274 to Suzuki ("*Suzuki*"). The examiner states that *Suzuki* teaches a method and corresponding system for tracking consumer data as originally recited in claims 1 and 13. The examiner rejected independent claim 21 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,327,570 to Stevens ("*Stevens*"). The examiner states that

Stevens teaches the method as originally recited in claim 21. Claims 1 – 21 have been canceled rendering the examiner's rejections of those claims moot.

However, inasmuch as the examiner may attempt to rely on *Suzuki* and *Stevens* to support a rejection of new claims 22 and 28, the applicant offers the following remarks. Neither *Suzuki* nor *Stevens*, alone or in combination, teaches a method or system for tracking consumer purchasing data for consumer products in which purchasing data is received at and stored in a consumer's data acquisition device and is transmitted directly from the data acquisition device to a data collection center, as recited in new claims 22 and 28. To the contrary, *Suzuki* describes an IC card use in retail environments where transaction data is transferred from a POS device or kiosk to a central processing facility in a batch process. See *Suzuki*, col. 2, lines 9 - 57. In order to allow the consumer to receive credit for recent purchases, before a batch transfer of related transaction data is made to the central processing facility, *Suzuki* provides an IC card that can receive transaction data from a POS device or kiosk and provide that data to subsequent POS devices or kiosks that the consumer encounters. See *Suzuki*, col. 3, line 65 - col. 5, line 35. The IC card described by *Suzuki* does not include a communications device that would allow the IC card to communicate directly with the central processing facility.

Similarly, *Stevens* describes a personal agent device that is capable of receiving product identifiers and providing those identifiers to a POS device. See *Stevens*, col. 10, lines 6 - 35. *Stevens* does not, however, describe that the personal agent device receives transaction data from a POS device and communicates that information to a central server. Although the disclosed agent device is described as being capable of communicating directly with a central server (See *Stevens*, Fig. 3), no where does *Stevens* describe transmitting transaction data relating to consumer purchases from the agent device to the central server.

Furthermore, neither *Suzuki* nor *Stevens*, alone or in combination, teaches that a data collection center communicates a customized message to a data acquisition device of a consumer after analyzing purchasing data of the consumer received from the data acquisition device. *Stevens* describes that a central server may analyze transaction data and generate customized messages for a consumer. See *Stevens*, col. 18, lines 15 – 53. However, as mentioned above, *Stevens* does not describe that such transaction data is transmitted directly to the central server by the consumer's personal agent device. The central server of *Stevens* transmits customized

messages to an in-store business professional unit for relay to the consumer. *Suzuki* teaches that in-store kiosk devices, not the disclosed central processing facility, may be configured to process consumer shopping history and generate purchase recommendations and other personalized messages. See *Suzuki*, col. 9, lines 39 - 55; col. 14, lines 1 - 35.

For the foregoing reasons, the applicant does not believe that either *Suzuki* or *Stevens*, alone or in combination, describes, teaches or suggests, all of the elements recited in new independent claims 22 and 28. Accordingly, the applicant submits that new independent claims 22 and 28 are allowable over the cited art. Dependent claims 23 - 26 and 29 - 33, which include all of the elements of corresponding independent claims 22 and 28, respectively, are therefore also believed to be allowable.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action mailed July 10, 2002. The applicant requests that all pending claims be allowed because, as shown above, they are patentable over the art of record. If there are any issues that can be resolved by a telephone conference or an Examiner's Amendment, the examiner is invited to call the undersigned attorney at (404) 853-8422.

Respectfully submitted,



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